

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of claims 63-72, 87 and 88 in the reply filed on 19 October 2009 is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 63-65 and 69 are rejected under 35 U.S.C. 102(e) as being anticipated by Eugster.

There is disclosed in Eugster a cartridge for use with coffee machines, comprising: a main body comprising a cup portion 1 and a lid portion 11, the cup portion comprising a base, a sidewall and a rim opposed to the base, the portion being fixed to the rim to define an internal volume of the cartridge, the internal volume housing a particulate substance between filtering means 4, 5, the lid portion comprising a lid port (opening) for the passage of a tube and a fluid substance, the base of the cup portion comprising a cup port defining a second passage for the beverage product, wherein the internal volume comprises valve means 7 mounted on the cup port which are resiliently openable under pressure of the percolation fluid.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 66 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eugster in view of Selby, III.

Selby teaches the use of a pad 54 of elastic material, as an openable valve member in a beverage brewing container. The valve arrangement being responsive to pressure increases due to the introduction of a percolation fluid to the brewing container.

It would have been obvious to one skilled in the art to substitute the valve arrangement of Eugster with that taught in Selby, in order to provide an alternative means for releasing brewed beverage from the cartridge.

Claims 70-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eugster in view of Cai.

Cai teaches the use of a plurality of ridges 48 formed on a base of a brewing cartridge. The ridges provide support to the filtering means and particulate substance as well as provide channeling of the brewed beverage along the base to an exit.

It would have been obvious to one skilled in the art to provide the base of Eugster with the ridges taught in Cai, in order to support the filters and channel brewed beverage to the cup port.

Claims 63, 64, 87 and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hu et al. in view of Kirschner et al.

Hu discloses a cartridge, for use with coffee machines having a support 33 connectable to a water outlet 49 of a beverage extraction machine and a cartridge holder 3, the cartridge comprising: a main body comprising a cup portion 11 and a lid portion 12, the cup portion comprising a base 17, a sidewall and a rim 13 opposed to the base, the portion being fixed to the rim to define an internal volume, the internal volume housing a particulate substance, the lid portion comprising a lid port 14, 15 defining a first passage for percolation fluid, the base of the cup portion comprising a cup port (defined opening) for the passage of percolation fluid, wherein the internal volume comprises valve means 20 mounted on the cup port which are resiliently openable under pressure of the percolation fluid.

Kirschner teaches the support of particulate material between filtering means.

It would have been obvious to one skilled in the art to provide the cartridge of Hu with the filtering material of Kirschner, in order to remove harmful chemicals from the particulate materials during brewing.

Allowable Subject Matter

Claims 67 and 68 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Macchi et al., Bonanno and Schmed are cited for their disclosure of the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald L. Alexander whose telephone number is 571-272-1395. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Reginald L. Alexander/
Primary Examiner
Art Unit 3742

